

FIRST REGULAR SESSION

HOUSE BILL NO. 1183

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES.

2156H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 192.945, RSMo, and to enact in lieu thereof two new sections relating to hemp extract.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 192.945, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 192.945 and 192.947, to read as follows:

192.945. 1. As used in this section, the following terms shall mean:

- (1) "Department", the department of health and senior services;
- (2) "Hemp extract", as such term is defined in section 195.207;
- (3) "Hemp extract registration card", a card issued by the department under this section;
- (4) "Intractable epilepsy", epilepsy that as determined by a neurologist does not respond to three or more treatment options overseen by the neurologist;
- (5) "Neurologist", a physician who is licensed under chapter 334 and board certified in neurology;
- (6) "Parent", a parent or legal guardian of a minor who is responsible for the minor's medical care;
- (7) "Registrant", an individual to whom the department issues a hemp extract registration card under this section.

2. The department shall issue a hemp extract registration card to an individual who:

- (1) Is eighteen years of age or older;
- (2) Is a Missouri resident;
- (3) Provides the department with a statement signed by a neurologist that:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 17 (a) Indicates that the individual suffers from intractable epilepsy and may benefit from
18 treatment with hemp extract; and
- 19 (b) Is consistent with a record from the neurologist concerning the individual contained
20 in the database described in subsection [9] **10** of this section;
- 21 (4) Pays the department a fee in an amount established by the department under
22 subsection 6 of this section; and
- 23 (5) Submits an application to the department on a form created by the department that
24 contains:
- 25 (a) The individual's name and address;
- 26 (b) A copy of the individual's valid photo identification; and
- 27 (c) Any other information the department considers necessary to implement the
28 provisions of this section.
- 29 3. The department shall issue a hemp extract registration card to a parent who:
- 30 (1) Is eighteen years of age or older;
- 31 (2) Is a Missouri resident;
- 32 (3) Provides the department with a statement signed by a neurologist that:
- 33 (a) Indicates that a minor in the parent's care suffers from intractable epilepsy and may
34 benefit from treatment with hemp extract; and
- 35 (b) Is consistent with a record from the neurologist concerning the minor contained in
36 the database described in subsection [9] **10** of this section;
- 37 (4) Pays the department a fee in an amount established by the department under
38 subsection 6 of this section; and
- 39 (5) Submits an application to the department on a form created by the department that
40 contains:
- 41 (a) The parent's name and address;
- 42 (b) The minor's name;
- 43 (c) A copy of the parent's valid photo identification; and
- 44 (d) Any other information the department considers necessary to implement the
45 provisions of this section.
- 46 4. The department shall maintain a record of the name of each registrant and the name
47 of each minor receiving care from a registrant.
- 48 5. The department shall promulgate rules to:
- 49 (1) Implement the provisions of this section including establishing the information the
50 applicant is required to provide to the department and establishing in accordance with
51 recommendations from the department of public safety the form and content of the hemp extract
52 registration card; and

53 (2) Regulate the distribution of hemp extract from a cannabidiol oil care center to a
54 registrant, which shall be in addition to any other state or federal regulations; and

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56 The department may promulgate rules to authorize clinical trials involving hemp extract.

57 6. The department shall establish fees that are no greater than the amount necessary to
58 cover the cost the department incurs to implement the provisions of this section.

59 7. The registration cards issued under this section shall be valid for one year and
60 renewable if at the time of renewal the registrant meets the requirements of either subsection 2
61 or 3 of this section.

62 8. **Only a neurologist may recommend hemp extract and sign the statement**
63 **described in subsection 2 or 3 of this section as part of the treatment plan of a patient**
64 **diagnosed with intractable epilepsy.**

65 9. The neurologist who signs the statement described in subsection 2 or 3 of this section
66 shall:

67 (1) Keep a record of the neurologist's evaluation and observation of a patient who is a
68 registrant or minor under a registrant's care including the patient's response to hemp extract; and

69 (2) Transmit the record described in subdivision (1) of this subsection to the department.

70 [9.] 10. The department shall maintain a database of the records described in subsection
71 [8] 9 of this section and treat the records as identifiable health data.

72 [10.] 11. The department may share the records described in subsection [9] 10 of this
73 section with a higher education institution for the purpose of studying hemp extract.

74 [11.] 12. Any rule or portion of a rule, as that term is defined in section 536.010, that is
75 created under the authority delegated in this section shall become effective only if it complies
76 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
77 This section and chapter 536 are nonseverable and if any of the powers vested with the general
78 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
79 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
80 any rule proposed or adopted after July 14, 2014, shall be invalid and void.

192.947. 1. No individual or health care entity organized under the laws of this
2 **state shall be subject to any adverse action by the state or any agency, board, or**
3 **subdivision thereof, including civil or criminal prosecution, denial of any right or privilege,**
4 **imposing a civil or administrative penalty or sanction, or disciplinary action by any**
5 **accreditation or licensing board or commission if such individual or health care entity, in**
6 **its normal course of business and within its applicable licenses and regulations, acts upon**
7 **or in furtherance of any order, recommendation, or statement by a neurologist authorized**

8 under section 192.945 relating to the medical use and administration of hemp extract with
9 respect to an eligible patient.

10 2. The provisions of subsection 1 of this section shall apply to the possession,
11 handling, storage, transfer, destruction, dispensing, or administration of hemp extract,
12 including any act in preparation of such dispensing or administration.

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